



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Michael SCHIRNER et al.

Serial No.: 10/088,866

Group Art Unit: 1641

Filed: July 2, 2002

Examiner: UNASSIGNED

For: ANTIBODY-DYE CONJUGATES FOR BINDING TO TARGET STRUCTURES OF ANGIOGENESIS IN ORDER TO INTRAOPERATIVELY DEPICT TUMOR PERIPHERIES

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

Assistant Commissioner for Patents  
Washington, D. C. 20231

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**CITED MATERIALS**

Applicant(s) hereby disclose the information listed in the attached form PTO-1449.

- Copies of materials listed but not attached were cited in parent application Serial No. \_\_\_\_\_; see 37 C.F.R. § 1.98(d).
- Copies of materials listed but not attached were cited in an International Search Report dated August 19, 2000; receipt of the International Search Report and copies of references was confirmed by the PCT International Division of the U.S. PTO in the Notice of Acceptance mailed August 6, 2002.

**LANGUAGE**

- All listed materials are in the English language; see 37 C.F.R. § 1.98.
- Non-English language references:
  - The reference(s): \_\_\_\_\_ in the English-language is (are) indicated by commercial data bases to correspond to the reference(s): \_\_\_\_\_, respectively.
  - (An) English-language translation(s) of the references: \_\_\_\_\_ is (are) provided.
  - A commercial English-language abstract of reference(s) \_\_\_\_\_ is (are) provided.

An English-language search report or an equivalent paper from a foreign patent office translated into English in pertinent part in connection with a counterpart foreign application, is provided indicating the relevance of the cited reference(s).

#### FEES

No fee is required for this Information Disclosure Statement because:

This Information Disclosure Statement is being filed within three months of the filing date of a national application (other than a CPA) under § 1.53(d) or within 3 months of the date of entry of the national stage under § 1.491 in an international application;

This Information Disclosure Statement is being filed before the mailing of a first action on the merits;

This Information Disclosure Statement is being filed after a first action on the merits but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that closes prosecution in the application, and is accompanied by a certification below.

This Information Disclosure Statement is filed under 37 C.F.R. § 1.97(i).

A fee is required for this Information Disclosure Statement:

This Information Disclosure Statement is being filed after a first action on the merits but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311 or an action that closes prosecution, and is accompanied by the fee set forth in § 1.17(p).

This Information Disclosure Statement is being filed after the mailing date of a final rejection or a notice of allowance under § 1.311 or an action that closes prosecution, but before the payment of the issue fee, and is accompanied by the fee set forth in § 1.17(p) and a certification below.

#### CERTIFICATION

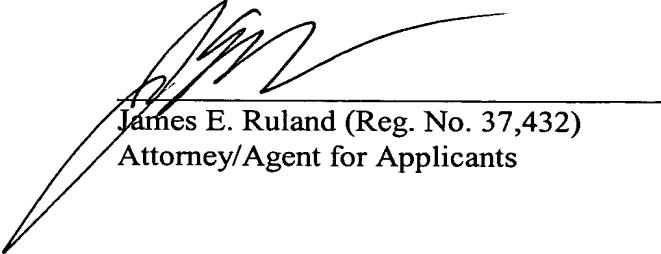
Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned, having made reasonable inquiry, no such item was known to any individual designated in 37 CFR § 1.56(c), more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

If a fee is due, attached is a check in the amount of \$\_\_\_\_\_. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



James E. Ruland (Reg. No. 37,432)  
Attorney/Agent for Applicants

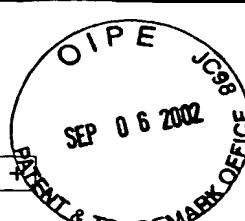
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Attorney Docket No.: **SCH 1869**

Date: September 6, 2002

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Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

<i>Complete if Known</i>	
Application Number	10/088,866
Filing Date	July 2, 2002
First Named Inventor	Michael SCHIRNER et al.
Group Art Unit	1641
Examiner Name	UNASSIGNED
Attorney Docket Number	SCH 1869

## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/088,866
		Sheet	2	of	2
				First Named Inventor	Michael SCHIRNER et al.
				Group Art Unit	1641
				Examiner Name	UNASSIGNED
				Attorney Docket Number	SCH 1869

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		International Search Report	
		Neri Dario et al., "Targeting by affinity-matured recombinant antibody fragments of an angiogenesis associated fibronectin isoform", Nature Biotechnology, Bd. 15, Nr. 12, 1997, Seiten. 1271-1275, XP002124779	
		Zusammenfassung, Seite 1271, Spalte 2, Absatz 2 - Seite 1273, Spalte 1, Absatz 5, Seite 1273, Spalte 2, Absatz 4 - Seite 1274, Absatz 1, Seite 1274, Spalte 2, letzter Absatz - Seite 1275, Spalte 1, Absatz 1	
		Viti F. et al., "Increased binding affinity and valence of recombinant antibody fragments lead to improved targeting of tumoral angiogenesis", Cancer Research, (1999 Jan 15) 59 (2) 347-52 XP002124782	
		Zusammenfassung Abbildung 4, Seite 351, Spalte 1, letzter Absatz - Spalte 2, Absatz 1	
		Mariani G. et al., "Tumor targeting potential of the monoclonal antibody BC-1 against oncofetal fibronectin in nude mice bearing human tumor implants", Cancer (1997 Dec 15) 80 (12 Suppl) 2378-84 XP000960444	
		Castellani P. et al., "The fibronectin isoform containing the ED-B oncofetal domain: a marker of angiogenesis published erratum appears in Int J. Cancer 1995 Jul 4; 62(1):118!", International Journal of Cancer (1994 Dec 1) 59 (5) 612-8, XP000960445	
		Poon et al, "Laser-induced fluorescence: experimental intraoperative delineation of tumor resection margins", STN Caplus, XX,XX, Bd. 25, Nr. 116, 22 Juni 1992 (1992-06-22), XP002076252 Zusammenfassung	
		Seite 2378, Spalte 2, Zeile 1 - Seite 2379, Spalte 1, Absatz 4, Seite 2379, Spalte 2, letzter Absatz - Seite 2380, Spalte 1, Absatz 1, Seite 2381, Spalte 1, letzter Absatz - Seite 2383, Spalte 1, Absatz 1	
		Seite 612, Spalte 2, Absatz 3, Seite 614, Spalte 1, Absatz 2 - Spalte 2, Absatz 1, Seite 616, Spalte 1, Absatz 3 - Spalte 2, Absatz 2	

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